



**Special Meeting of the Overview and Scrutiny Committee  
(Performance & Corporate Services)**

**Date: 9 December 2009**

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**Report of: Legal Director**

**Relevant Cabinet Member(s): Councillor P. Dowd, Parry & Robertson**

**Contact for further information:**

**Debbie Campbell, Acting Head of Overview and Scrutiny (Ext. 2254)**

**EXEMPT/ No.  
CONFIDENTIAL:**

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**SUBJECT: ITEM CALLED IN:- Southport cultural Centre – Temporary Library Service**

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**1.0 PURPOSE OF REPORT**

- 1.1 To advise the Overview and Scrutiny Committee of the call in of the decision on the above item, the decision being set out in Minute No. 196 of the meeting of the Cabinet held on 12 November 2009.
- 1.2 To seek the views of the Overview and Scrutiny Committee. In the event of the Committee being concerned about the decision, the Overview and Scrutiny Committee must decide which of the following courses of action is to be taken in relation to this matter:
- a. referral of the matter back to the Cabinet (as the decision making body) for re-consideration, setting out in writing the nature of the Overview and Scrutiny Committee's concerns; the Cabinet must then reconsider the decision within a further 15 working days, amending the decision or not, before adopting a final decision;
  - or
  - b. referral of the matter to Council for the Council to decide whether it wishes to object to the decision. If the Council does not object to the decision which has been made then no further action is necessary and the decision

will take immediate effect. If the Council does object then it must refer the matter back to the Cabinet (as the decision making body). The Cabinet must be convened to re-consider the decision within 5 working days of the Council's request and may chose whether to amend the decision or not before reaching a final decision.

- 1.3 If the Overview and Scrutiny Committee decides not to object to the decision then no further action is necessary and the decision will be effective.

## **2.0 RECOMMENDATION**

- 2.1 That the Committee determines whether it is concerned about the decision.
- 2.2 If the Committee is concerned about the decision, the Committee is required to indicate which of the options set out at paragraph 1.2 above it wishes to pursue.

## **3.0 DETAILS RELATING TO THE CALL IN**

- 3.1 The report attached as appendices to this report were considered at the Cabinet meeting held on 12 November 2009 2009. Please note that Appendix 2 is background information to be used in association with the call in.
- 3.2 The decision of the Cabinet is contained at Minute No. 196 and is as follows:

RESOLVED: That

- (1) the services and staff at the Southport Central Library be relocated at the Churchtown, Birkdale and Ainsdale Branch Libraries at no additional cost, during the period of the redevelopment of the Southport Cultural Centre;
  - (2) the Leisure Director submit a report to the Cabinet on the feasibility of providing a temporary IT service for library users in the Southport One Stop Shop; and
  - (3) it be noted that the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) had given his consent under Rule 17 of the Scrutiny Procedure Rules for this decision to be treated as urgent and not subject to "call in" on the basis that it cannot be reasonably deferred because of the limited time available to spend the external grant, and the need to ensure that there is no risk to the Council from having any grant clawed-back and having to meet any difference from the Council's own capital resources.
- 3.3 In the requisition for call in the following reason has been given:
1. Inadequate consultation with stakeholders – especially current market traders who overwhelmingly support the use of part of the Market Hall as

a temporary Southport Town Centre Library. Such inadequate consultation is contrary to Overview and Scrutiny Rule 16 of the Constitution.

2. The decision of the Cabinet appears not to have been taken in accordance with correct principles as specified in article 13.02(b) (“due consultation and the taking of professional advice from officers”) and (f) (“take account of all relevant matters”) of the constitution, the insofar as 3 of the 6 members who voted for the decision have been reported in the press as saying that one of the main reasons why they opposed using the Market as a temporary Library was that the cost was £500,000, whereas the actual figure as supplied by officers prior to the Cabinet was £370,000.
  3. Failing to provide a central library in Southport Town Centre for 3 years is against the Public Interest.
  4. The option of using Southport Market as a temporary library would benefit the Market Traders and the 150,000 plus annual users of Southport Library.
- 3.4 The following Members of the Council (who are not Members of the Cabinet) signed the requisition for call-in in accordance with the provisions of Overview and Scrutiny Committee Procedure Rules, Part 4 of the Councils Constitution.

Councillor Richard Hands  
Councillor David Sumner  
Councillor Mike booth

- 3.6 The Secretary of State in his Guidance recommends that Overview and Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary to, or not wholly in accordance with, the budget.
- 3.7 In addition to the Call-in form 11 identical letters have been received from Southport Market Traders. A copy of the letter is attached and the names of those submitting the letters are:-

C. Adams;  
L. Mathers;  
S. Tragen;  
J. Cobb;  
T. Blackhurst;  
E. Murray;  
M. Newton;  
E. Johnson;  
C. Beech;  
G. Shacklady; and  
R. Hughes.